

VZCZCXRO9425
PP RUEHRG
DE RUEHBR #1620 2361408
ZNR UUUUU ZZH
P 241408Z AUG 07
FM AMEMBASSY BRASILIA
TO RUEHC/SECSTATE WASHDC PRIORITY 9810
INFO RUEHSO/AMCONSUL SAO PAULO 0660
RUEHRI/AMCONSUL RIO DE JANEIRO 4995
RUEHRG/AMCONSUL RECIFE 7073
RUCPDOC/USDOC WASHDC

UNCLAS BRASILIA 001620

SIPDIS

SENSITIVE
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DEPT FOR EB TPP/IPE JENNIFER BOGER
DEPT PASS USTR FOR CHRIS WILSON, KATHERINE DUCKWORTH AND JENNIFER
CHOE GROVES
DEPT PASS USPTO
USDOC FOR ITA/MAC/OIPR CASSIE PETERS
USDOC FOR ITA/MAC/WH/OLAC/MCAMPOS

E.O. 12958: N/A

TAGS: KIPR ETRD ECON ADCO BR

SUBJECT: BRAZIL: OCR DEMARCHE RESPONSE

REF: A) State 107819

¶1. (SBU) On August 23, EmbOffs delivered the demarche points in reftel to Otavio Brandelli, Director of the Division of Intellectual Property Rights at the Ministry of External Relations and Ana Soares, Deputy Executive Secretary of the National Anti-Piracy Council, Ministry of Justice. The meeting was positive and the discourse constructive. All parties were open to continued discussion of the issues raised in reftel.

¶2. (SBU) GoB interlocutors appeared interested in the mechanics of the OCR and Brandelli expressed the desire to see Brazil removed from the USTR Special 301 list at some point in the future. He also inquired about the timeframe for a possible USTR visit to Brazil to discuss the OCR points and suggested a separate meeting between USTR and representatives of the GoB agencies involved in IPR enforcement and policy formulation.

¶3. (SBU) Brandelli noted that legislation proposed by CNCP and supported by a number of GoB agencies would address USG concerns about partial sampling of infringing shipments and destruction of infringing goods prior to final conclusion of legal action. This proposed legislation is now working its way through the Brazilian legislative process.

¶4. (SBU) He was optimistic that new resources dedicated to the patent process would soon result in a reduction of the backlog. According to him, INPI has already begun reducing its backlog and has a stated goal to reduce processing time to 18 months for new applications.

¶5. (SBU) Brandelli requested clarification of two points in the demarche:

- The request to enhance protection of agro-chemical data. Brandelli felt this was a new issue and requested more information on the background.

- He also requested clarification on the point about revocation of existing patents. This was a new issue to him.

¶6. (SBU) He noted that the largest seizure of pirated items in the history of Brazil originated in Miami. To combat the problem of goods originating in U.S. ports, he relayed that the Brazilian customs agency (Receita Federal) was interested in establishing a closer working relationship with the U.S. Customs and Border Patrol (CBP).

Sobel